

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Kimberly A. Bocelli
Debtor

SN Servicing Corporation as servicer
for U.S. Bank Trust National
Association as Trustee of Cabana
Series V Trust
v.

Kimberly A. Bocelli
ROBERT W. SEITZER
Respondents

CASE NO.: 24-13859-amc

CHAPTER 7

Judge: Ashely M. Chan

Hearing Date: December 18, 2024 at 12:30PM

Objection Deadline: December 3, 2024

**MOTION FOR RELIEF FROM THE
AUTOMATIC STAY**

SN Servicing Corporation as servicer for U.S. Bank Trust National Association as Trustee of Cabana Series V Trust (on behalf of itself and together with any successor and/or assign, "Movant") hereby moves this Court for an Order (i) pursuant to 11 U.S.C. § 362 (d)(2); vacating the automatic stay to permit Movant, its successors and/or assigns, to enforce its mortgage on the Debtor's premises located at 2714 South Smedley Street, Philadelphia, PA 19145; vacating the co-debtor stay in effect pursuant to 11 U.S.C. § 1301(a) and (ii) for such other and further relief as is just and proper. In support of this Motion, Movant respectfully states:

1. Movant is the holder of a Note executed by Kimberly Anne Bocelli and Mario J. Bocelli dated March 15, 2007, whereby Kimberly Anne Bocelli and Mario J. Bocelli promised to repay \$282,332.00 plus interest to Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Co of Pennsylvania (the "Original Lender"). To secure the repayment of the Note, Kim Bocelli aka Kimberly Bocelli and Mario J. Bocelli executed a Mortgage in favor of Beneficial Consumer Discount Company D/B/A Beneficial Mortgage Co of Pennsylvania , encumbering the

Property commonly known as 2714 South Smedley Street, Philadelphia, PA 19145, which Mortgage was recorded in the Official records of Philadelphia County at Instrument 51653352 (hereinafter “Mortgage”). Other than liens with statutory priority, Movant’s mortgage is in first lien position. The Mortgage was ultimately assigned to Movant by an Assignment of Mortgage. Kimberly Anne Bocelli and Mario J. Bocelli entered into a Loan Modification Agreement, effective November 20, 2015, which created a new principal balance in the amount of \$265,397.10. A copy of the Note, Mortgage, Assignments of Mortgage, and Loan Modification are attached hereto as **Exhibit A**.

2. The Petition under Chapter 7 of the United States Bankruptcy Code was filed by the Debtor Kimberly Anne Bocelli on October 19, 2024.

3. This Court has jurisdiction over this case and this motion pursuant to 28 U.S.C. §§ 157 and 1334.

4. Venue of this case and this motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. Relief pursuant to 11 U.S.C. § 362(d)(2) is also appropriate due to the lack of equity in the Property. The Debtor’s outstanding amount of the obligations to Movant, less any partial payments or suspense balance, is approximately \$501,130.85 as of November 13, 2024.

6. According to the Debtor’s Schedule D, the Property has a value of \$236,320.00. Thus, by the Debtor’s own admission, there is no equity remaining in the Property, and it is not necessary for effective reorganization of the Debtor in this liquidation chapter. A true and correct copy of Debtor’s Schedule D is attached here as **Exhibit B**.

7. Movant respectfully requests reasonable attorney fees in the amount of \$950.00

and costs in the amount of \$199.00.

WHEREFORE, Movant respectfully requests an Order of this Court vacating the automatic stay and for such other, further and additional relief as to this Court may deem just, proper and equitable.

Dated: November 19, 2024

By: /s/ Lauren Moyer

Lauren Moyer, Esq.

FRIEDMAN VARTOLO LLP

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